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TO: Don Miller

**INFORMAL MEMORANDUM**

VIA FAX 11-19

**TO:** Steve Tarlton  
Colorado Department of Public Health and Environment  
FAX # 782-4969

Tim Rehder  
U.S. Environmental Protection Agency  
FAX # 312-6067

**RE:** Open Issues and Proposed Resolutions for B779 Decommissioning Operations Plan (DOP)

**DATE:** November 17, 1997

Steve - This damn but your  
tried to get this down  
yesterday  
port was busy  
R

Steve and Tim:

Per my conversations with you, following are descriptions of the open, non-technical issues surrounding the B779 DOP. Following also are proposed resolutions to these issues.

**ISSUE #1: Inclusion of a project schedule in the B779 DOP -- RFCA (¶ 107)** provides that a draft IM/IRA submitted for approval include an implementation schedule and a completion date. We believe that this requirement can be reasonably applied to the B779 DOP, and would include the draft schedule with the following understandings. These understandings are necessary to ensure that the draft schedule and end date are not misinterpreted as strictly enforceable upon final approval of the DOP. As you are aware, the RFCA parties intended that execution and completion of work would be enforced via regulatory milestones.

a. the DOP would include a disclaimer to the effect that the DOP schedule is the currently planned implementation schedule, but does not constitute an enforceable commitment that this schedule can or will be met;

b. the DOP would note that the schedule does not constitute a basis for selection of RFCA milestones, but that these will be established in accordance with RFCA Part 11 (Budget and Work Planning), and will be selected from the Integrated Site Baseline;

c. the DOP would clearly state the underlying assumptions inherent in the schedule, importantly, that the schedule is dependent upon securing savings from other activities at Rocky Flats to fully fund B779 D&D activities; and,

d. the DOP would state that modifications to the DOP schedule that do not affect RFCA milestone dates do not constitute modifications to the DOP (per RFCA), and do not require LRA approval.

We anticipate providing a summary level schedule within the DOP. We will share more detailed project schedules with you as they become available, for information and subject to the conditions noted above.

**ISSUE #2: Inclusion of the project's organization structure in the B779 DOP** - Our concerns relative to the inclusion of the project's organization structure in the DOP are that the organization would be viewed as an enforceable RFCA requirement and that changes in the project organization or personnel would constitute a change to the DOP that would require LRA approval. Unlike the draft implementation schedule, we are unable

to find in RFCA a requirement that the project organization be included in a decision document such as an IM/IRA. We are nonetheless willing to include the project's organization structure within the DOP, with the following conditions:

- a. the DOP will note that the project organization is not an enforceable part of the document, and that DOE and its contractors may deviate from it at their discretion; and,
- b. changes to the organization structure may be made by DOE and its contractors without prior notification or approval of the LRA.

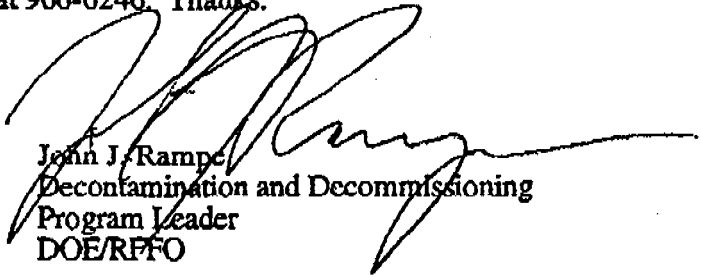
It will be our intention to notify you of changes to the project organization structure and personnel as they are made, for information and for the purpose of ensuring that your organizational contacts are current.

**ISSUE #3: Submittal and approval of follow-on project information** -- You have noted that certain sections of the B779 DOP do not, in your opinion, contain sufficient detail to warrant approval. For those sections where the detail is currently available and can be added, our technical staff will work with yours to resolve such issues before final document approval. In certain instances, such as preparing the building for demolition, and monitoring and other environmental controls to be employed during demolition, technical detail is unavailable, since the pre-demolition condition of the building is not yet known. We propose in such cases to update the relevant portions of the DOP as information becomes available, and to submit these for LRA review and approval as either major or minor modifications to the DOP (RFCA ¶s 25.ar. or 25.as.), using the process outlined for IM/IRA's in RFCA ¶ 127. We recognize that much of this information will be of interest to the public, and we will work with our stakeholders to determine the appropriate level of public involvement for these modifications (RFCA is silent on this issue). In all likelihood, we will attempt to construct a public involvement process that will run parallel to the LRA approval process in order to limit the impacts to project schedules. We would like to discuss the mechanics of this approach in more detail with you, and suggest that it be formalized in the RFCA Implementation Guidance Document when agreed to.

**ISSUE #4: CDPHE membership on DOE Environmental Readiness Evaluation (ERE) teams** -- DOE conducts ERE's for various environmental projects, including environmental restoration and D&D. The purpose of the ERE is to assess the contractor's knowledge of and conformance with relevant project requirements, and to authorize the contractor to begin work if these requirements are adequately addressed. This review, determination and authorization process is an inherently DOE function relating to contractor oversight. We therefore do not believe it is appropriate to allow CDPHE as a voting member on the ERE for B779; however, we welcome CDPHE involvement as an observer to the process. CDPHE has assumed this role on other recent projects (including the Mound source removal project).

Finally, we do not believe that the recent issue raised by staff from the Defense Nuclear Facilities Safety Board (DNFSB), relating to the demarcation between deactivation and decommissioning activities in plutonium buildings, should be resolved using the B779 DOP as an example document. That is, we do not intend to alter the scope of work in the B779 DOP that has been submitted for regulatory review and approval. We continue to believe that this issue should be resolved by the four parties to the Memorandum of Understanding that is Appendix 1 to RFCA, in the context of a clarification of the MOU. If clarifying the MOU leads to a substantially different understanding of what deactivation and decommissioning are than what is currently reflected in the B779 DOP, then DOE may elect in the future to modify the B779 DOP or follow-on DOP's, as appropriate.

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I look forward to discussing these issues with you on Wednesday. If you have any questions in the meantime, please call me at 966-6246. Thanks.

  
John J. Rampe  
Decontamination and Decommissioning  
Program Leader  
DOE/RFFO

cc: R. Warther, DNFSB

3 pages total

~~Decision on rad remaining~~

Decision on rad remaining - Scope - leaving walls, roof  
and floor only? not equipment.

Tarleton - wants to approve waste mgmt. plan, other subplans.

Rampe - Description of facility condition, monitoring, waste mgmt., work controls.

Howell - demolition is not a CERCLA activity, but monitoring the progress  
of the demolition is.

Rampe - will put language into the DOP or cover letter.

Tarleton - not happy about the collaborative process. Was the

" - Every activity on plant site is regulated by CERCLA. ∴, they  
disagree w/ Tim.